

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

BANCRÉDITO HOLDING CORPORATION,
DERIVATIVELY ON BEHALF OF
NOMINAL DEFENDANT, BANCRÉDITO
INTERNATIONAL BANK & TRUST
CORPORATION,

Plaintiff,

v.

DMRA LAW LLC, MARÍA A. DOMÍNGUEZ-
VICTORIANO, and FRANCES DÍAZ,
INSURANCE COMPANIES A, B, C

Defendants, and

DRIVEN ADMINISTRATIVE SERVICES,
LLC AS RECEIVER FOR BANCRÉDITO
INTERNATIONAL BANK & TRUST
CORPORATION.

Nominal Defendant.

CIVIL NO. 3:23-CV-01238-CVR

NOTICE OF VOLUNTARY DISMISSAL AS A MATTER OF RIGHT

TO THE HONORABLE COURT:

Plaintiff Bancrédito Holding Corporation (“BHC”) respectfully files this Notice of Voluntary Dismissal without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, which allows a plaintiff to “dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. . . .” Fed. R. Civ. P. 41(a)(1)(A)(i). Said Rule further dictates, in pertinent part, that “[u]nless the notice or stipulation states otherwise, the dismissal is without prejudice.” Fed. R. Civ. P. 41(a)(1)(B). Here, Defendants have neither answered the Amended Verified Complaint nor moved for summary judgment. And “a plaintiff’s right of voluntary dismissal under Rule 41(a)(1)

is not terminated by the filing of a Rule 12 motion to dismiss by the defendant, insofar as it does not constitute an answer to the complaint.” *Cruz-Mendez v. Hosp. Gen. Castaner, Inc.*, 637 F. Supp. 2d 73, 75–76 (D.P.R. 2009) (cleaned up). Accordingly, BHC respectfully requests that the Court take notice of this filing and dismiss this case without prejudice.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico, this 20th day of October, 2023.

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